

REMARKS

The above-identified application has been reviewed in light of the Office Action dated April 12, 2007. Claims 1, 4-9, 13, and 16-32 are currently pending. By the present amendment, the Applicant has amended claims 1, 4, 9, and 13, cancelled claims 2, 3, 10-12, 14 and 15, and added new claims 16-32 for consideration herein. It is respectfully submitted that these amendments and new claims add no new matter, are fully supported by the specification, and are allowable over the cited art of record. In light of the remarks and arguments that follow, reconsideration and allowance of the present application are earnestly solicited.

In the Office Action, claims 1, 4-9, and 12-13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. It was asserted that the recitation of an inflatable bladder wherein "a portion of the bladder" comprises a rigid surface, as originally presented in independent claim 1, was confusing, inaccurate, and inconsistent. In addition, it was asserted that the recitation of "the plates or filaments" in claim 13, as originally presented, lacked antecedent basis. In the interests of furthering prosecution, and without acquiescing to the rejections of the Office Action, claims 1 and 13 have been amended to clearly recite the structural relationships between the features of the claimed retractor, while claim 12 has been cancelled. Accordingly, withdrawal of the rejections is respectfully requested.

Claims 1, 4-8, 12, and 13 were rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,921,478 to Solano et al. ("Solano"). It was asserted that Solano discloses a shaft that may be either flexible or rigid, an inflatable bladder incorporating a rigid surface that is finished stretching when fully inflated, and plates or filaments that are disposed about the periphery of the bladder. It is respectfully submitted, however, that Solano fails to disclose or suggest each and every element of the

retractor recited in amended independent claim 1.

As amended, claim 1 recites a retractor comprising, *inter alia*, a shaft, "a plurality of filaments extending from the cannula," and "a sleeve coaxially disposed about and movable with respect to the cannula, the sleeve being axially movable between a first position and a second position."

Solano discloses an occlusion catheter that includes an inflatable balloon 16 and a shaft, or cannula, 14 composed of an inner shaft, or cannula, 22 movably disposed within an outer shaft, or cannula, 24. (Column 4, line 31 and lines 48-50). Solano discloses that the outer cannula 24 has several slits 27 formed therein that define a plurality of struts 28, (Column 5, lines 35-52), characterized in the Office Action as "plates or filaments." Therefore, the struts 28 disclosed in Solano are integrally formed with, and are part of, the cannula 14, as seen below in Figures 3 and 4, and therefore do not extend "from the cannula" as recited in amended independent claim 1.

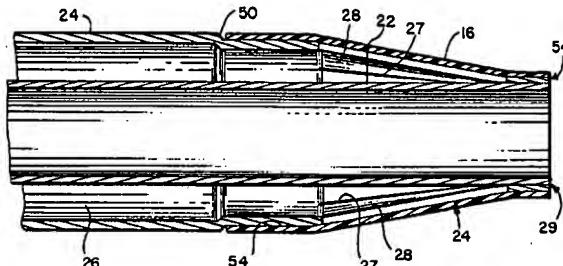


Fig. 3

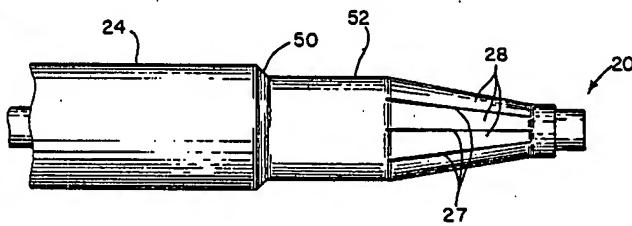


Fig. 4

Moreover, it is respectfully submitted that Solano also fails to disclose or suggest "a sleeve coaxially disposed about and movable with respect to the cannula, the sleeve being axially movable between a first position and a second position" as recited in claim 1.

Accordingly, and for at least these reasons, it is respectfully submitted the Solano fails to disclose or suggest each and every element of the retractor recited in amended independent claim

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1, and therefore, that claim 1 is in condition for allowance. By the present amendment, the Applicant has canceled claim 12 and respectfully requests that the rejection of this claim be withdrawn. Since claims 4-18 and 13 depend from amended independent claim 1, it is respectfully submitted that these claims are also in condition for allowance.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Solano. As discussed above, amended independent claim 1 not anticipated or suggested by Solano. As claim 9 depends from independent claim 1, it is respectfully submitted that claim 9 is also in condition for allowance.

Claims 1, 4-9, and 12-13 were rejected as being unpatentable over claims 1-3 of U.S. Patent No. 5,163,949 under the judicially created doctrine of obviousness-type double patenting. In response thereto, the Applicant will file a suitable terminal disclaimer upon indication that the claims are otherwise allowable.

The Applicant has added new claims 16-32 for consideration. It is respectfully submitted that these claims are fully supported by the specification, add no new matter, and are allowable over the cited references of record.

New claims 16-24 depend from independent claim 1. As discussed above, independent claim 1 not anticipated or suggested by the cited references of record. Accordingly, it is respectfully submitted that new claims 16-24 are also in condition for allowance.

New independent claim 25 recites, *inter alia*, a shaft, a plurality of inflatable filaments, and a sleeve member coaxially disposed with respect to the shaft. As discussed above, and seen above in Figures 3 and 4, the struts 28 disclosed in Solano are defined by slits 27 formed in the outer shaft 24, thereby constituting flexible portions of the outer shaft 24. As the outer shaft 24 is not inflatable, it is respectfully submitted that the struts 28 cannot be inflatable. Accordingly,

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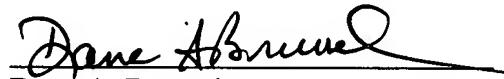
it is respectfully submitted that Solano fails to disclose or suggest "a plurality of inflatable filaments" as recited in new independent claim 25.

Accordingly, and for at least this reason, it is respectfully submitted that Solano fails to disclose or suggest each and every element recited in new independent claim 25, and therefore, that claim 25 is in condition for allowance. As new claims 26-32 depend from claim 25, it is respectfully submitted that claims 26-32 are also in condition for allowance.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely claims 1, 4-9, 13, and 16-32, are in condition for allowance.

Should the Examiner believe that an interview may facilitate the resolution of any outstanding issues, the Examiner is respectfully requested to telephone the Applicant's undersigned attorney at the number indicated below. Early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

  
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